

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

STATE OF TEXAS; STATE OF  
LOUISIANA,

*Plaintiffs,*

v.

The UNITED STATES OF AMERICA;  
ALEJANDRO MAYORKAS, Secretary of the  
United States Department of Homeland  
Security, in his official capacity; UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY; TROY MILLER, Senior Official  
Performing the Duties of the Commissioner of  
U.S. Customs and Border Protection, in his  
official capacity; U.S. CUSTOMS AND  
BORDER PROTECTION; TAE JOHNSON,  
Acting Director of U.S. Immigration and  
Customs Enforcement, in his official capacity;  
U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT; TRACY RENAUD,  
Senior Official Performing the Duties of the  
Director of the U.S. Citizenship and  
Immigration Services, in her official capacity;  
U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants.*

Civ. Action No. 6:21-cv-00016

**EXHIBIT E**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

STATE OF TEXAS,  
STATE OF LOUISIANA

*Plaintiffs,*

v.

UNITED STATES OF AMERICA, *et al.*,

*Defendants.*

Civ. Action No. 6:21-cv-00016

**DECLARATION OF BILL E. WAYBOURN**

I, Bill Waybourn, pursuant to 28 U.S.C. § 1746, testify that:

1. I make this declaration based on my own personal and professional knowledge, as well as the information available to me in my positions in public service.
2. I currently serve as the Sheriff of Tarrant County, Texas. I have been in that position since 2017 and have been a law enforcement professional since 1981.
3. In 1981, I began working for Dalworthington Gardens Police Department. I was promoted to Chief of Police in 1984. After leading the transition to combine the police and fire services of Dalworthington Gardens, I became the Chief of Public Safety in 1988. I was Chief of Dalworthington Gardens for 31 years before being elected Sheriff of Tarrant County.
4. As Sheriff of Tarrant County, I am responsible for enforcing the criminal laws of Texas to keep the peace within the county, and operating county jails.
5. In addition, the Sheriff of Tarrant County has been deputized by the Department of Homeland Security (DHS) to enforce federal immigration law, pursuant to a Memorandum of Agreement executed under Section 287(g) of the Immigration and Nationality Act. Section 287(g) allows DHS and law enforcement agencies to make agreements that require the state and local officers to receive training and work under the supervision of Immigration and Customs Enforcement (ICE). ICE provides the officers with authorization to identify, process, and detain illegal aliens they encounter during their routine law-enforcement activity. Fingerprint data taken at county jail bookings are sent to ICE, which can request that jails hold aliens who are arrested on suspicion of crimes for up to 48 hours, giving its agents time to decide whether to take the person into federal

custody and pursue deportation.

6. Tarrant County on average has around 280-300 inmates in custody who have immigration detainers. As of now, we have 209 such inmates in our jails out of a total population in custody of around 4200.
7. The 209 inmates in custody with immigration detainers at this time have charges of Class B misdemeanor or higher violations of state law pending among them. The highest level charges against these inmates include 12 charges of murder, 5 charges of aggravated robbery, 7 charges of sexual assault or aggravated sexual assault, 3 charges of aggravated kidnapping, 27 charges of sexual assault of a child, 27 charges of aggravated sexual assault of a child, 51 charges of aggravated assault with a deadly weapon, 15 charges of family violence assault, 17 charges of possession or manufacturing of a controlled substance, and 11 charges of driving while intoxicated. This is fairly representative of the charges such populations have at any given time in custody in our jails.
8. On April 21 of 2021, my office examined the recidivism rates for the inmates in custody. We did this by examining the criminal history files of every inmate in custody with an immigration detainer at that point in time. We found a recidivism rate (indicated by prior jail time) of 73.68% for that population.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 23, 2021.



Bill E. Waybourn  
Sheriff

Tarrant County Sheriff's Office